Amendments to Senate Bill No. 97
1st Reading Copy

Requested by Senator David Wanzenried

For the Senate Natural Resources Committee

Prepared by Sonja Nowakowski
January 22, 2009 (6:58pm)

1. Title, page 1, line 9.
Strike: "75-11-308,"

2. Page 5, line 18.
Strike: "the board determines"
Strike: "or will receive"

3. Page 5, line 19.
Following: "insurer"
Insert: "or other third party"

4. Page 7.
Strike: line 5 through line 7
Insert: "(6)(a)   In addition to any other rights of the board,
      the board has a right of action to receive reimbursement
      from the fund against any third party who was liable to an
      owner or operator in contract, tort, or otherwise for a
      release at the time the release was discovered or at any
      time after the discovery of the release. The board's right
      of reimbursement includes the costs it has paid from the
      fund under 75-11-313(3) for the release, including the costs
      of administration and attorney fees and costs the board
      incurs in enforcing its right of action.
          (b) The board has until January 1, 2015, to commence
      actions for reimbursement for costs paid by the board prior
      to January 1, 2010.
          (c) For costs paid by the board after January 1, 2010,
      the board has 8 years from the date of payment to commence
      an action for reimbursement. Venue for the board's right of
      reimbursement is in the county where the release occurred or
      in Lewis and Clark County."

5. Page 7, line 13 through page 8, line 14.
Strike: section 3 in its entirety
Renumber: subsequent sections

6. Page 11, line 3.
Strike: "30"
Insert: "120"

Following: the second "<u>the</u>"
Insert: "board's"

7. Page 11, line 4.
Following: "<u>mail.</u>"
Insert: "The notice of determination must advise the owner or operator of the 120-day time limit for submitting a written request for a hearing to the board. Not less than 50 days or more than 60 days after the board serves the notice of determination, the board shall serve on the owner or operator a second notice by certified mail advising the owner or operator of the deadline for requesting a hearing."

8. Page 11, line 6.
Strike: "<u>30</u>"
Insert: "120"

9. Page 11, line 9.
Strike: "<u>30</u>"
Insert: "120"

10. Page 12, line 18.
Strike: "(1)"

11. Page 12, line 20 through line 21.
Strike: subsection (2) in its entirety

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